

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 941

Introduced by Senators Padilla and Correa

February 23, 2007

An act to ~~amend Section 12012.85 of~~ *add Section 12012.47* to the Government Code, relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

SB 941, as amended, Padilla. Tribal ~~gaming~~. gaming: compact ratification.

Existing federal law, the Indian Gaming Regulatory Act, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

This bill would ratify an amendment to a tribal-state gaming compact entered into between the State of California and the San Manuel Band of Mission Indians, executed on August 28, 2006. The bill would provide that the terms of that amended compact shall apply only to the State of California and the tribe that has signed it, and shall not bind any tribe that is not a signatory to the amended compact. The bill would require that related revenue contributions be deposited into the General Fund, except as specified, and would provide that, in deference to tribal sovereignty, certain actions may not be deemed projects for purposes of the California Environmental Quality Act.

~~Existing law creates in the State Treasury the Indian Gaming Special Distribution Fund for the receipt and deposit of moneys received by~~

~~the state from Indian tribes pursuant to the terms of gaming compacts entered into with the state. Existing law authorizes moneys in that fund to be used for certain purposes, including for disbursements for the purpose of implementing the terms of tribal labor relations ordinances adopted in accordance with the terms of tribal-state gaming compacts ratified pursuant to specified provisions of law.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12012.47 is added to the Government
2 Code, to read:
3 12012.47. (a) The amendment to the tribal-state gaming
4 compact entered into in accordance with the Indian Gaming
5 Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and
6 25 U.S.C. Sec. 2701 et seq.) between the State of California and
7 the San Manuel Band of Mission Indians, executed on August 28,
8 2006, is hereby ratified.
9 (b) The terms of the amended compact ratified by this section
10 shall apply only to the State of California and the tribe that has
11 signed it, and shall not bind any tribe that is not a signatory to the
12 amended compact. The Legislature acknowledges the right of
13 federally recognized tribes to exercise their sovereignty to negotiate
14 and enter into compacts with the state that are materially different
15 from the amended compact ratified pursuant to subdivision (a).
16 (c) (1) In deference to tribal sovereignty, none of the following
17 shall be deemed a project for purposes of the California
18 Environmental Quality Act (Division 13 (commencing with Section
19 21000) of the Public Resources Code):
20 (A) The execution of an amendment to the amended tribal-state
21 gaming compact ratified by this section.
22 (B) The execution of the amended tribal-state gaming compact
23 ratified by this section.
24 (C) The execution of an intergovernmental agreement between
25 a tribe and a county or city government negotiated pursuant to
26 the express authority of, or as expressly referenced in, the amended
27 tribal-state gaming compact ratified by this section.

1 (D) *The execution of an intergovernmental agreement between*
2 *a tribe and the California Department of Transportation negotiated*
3 *pursuant to the express authority of, or as expressly referenced*
4 *in, the amended tribal-state gaming compact ratified by this*
5 *section.*

6 (E) *The on-reservation impacts of compliance with the terms*
7 *of the amended tribal-state gaming compact ratified by this section.*

8 (F) *The sale of compact assets, as defined in subdivision (a) of*
9 *Section 63048.6, or the creation of the special purpose trust*
10 *established pursuant to Section 63048.65.*

11 (2) *Except as expressly provided herein, nothing in this*
12 *subdivision shall be construed to exempt a city, county, or city and*
13 *county, or the California Department of Transportation, from the*
14 *requirements of the California Environmental Quality Act.*

15 (d) *Revenue contributions made to the state by tribes pursuant*
16 *to the amended tribal-state gaming compact ratified by this section*
17 *shall be deposited in the General Fund, or as otherwise provided*
18 *in the amended compact.*

19 ~~SECTION 1. Section 12012.85 of the Government Code is~~
20 ~~amended to read:~~

21 ~~12012.85. There is hereby created in the State Treasury a fund~~
22 ~~called the “Indian Gaming Special Distribution Fund” for the~~
23 ~~receipt and deposit of moneys received by the state from Indian~~
24 ~~tribes pursuant to the terms of tribal-state gaming compacts. These~~
25 ~~moneys shall be available for appropriation by the Legislature for~~
26 ~~the following purposes:~~

27 ~~(a) Grants, including any administrative costs, for programs~~
28 ~~designed to address gambling addiction.~~

29 ~~(b) Grants, including any administrative costs, for the support~~
30 ~~of state and local government agencies impacted by tribal~~
31 ~~government gaming.~~

32 ~~(c) Compensation for regulatory costs incurred by the State~~
33 ~~Gaming Agency and the Department of Justice in connection with~~
34 ~~the implementation and administration of tribal-state gaming~~
35 ~~compacts.~~

36 ~~(d) Payment of shortfalls that may occur in the Indian Gaming~~
37 ~~Revenue Sharing Trust Fund. This shall be the priority use of~~
38 ~~moneys in the Indian Gaming Special Distribution Fund.~~

39 ~~(e) Disbursements for the purpose of implementing the terms~~
40 ~~of tribal labor relations ordinances adopted in accordance with the~~

1 terms of tribal-state gaming compacts ratified pursuant to Chapter
2 874 of the Statutes of 1999. No more than 10 percent of the funds
3 appropriated in the Budget Act of 2000 for implementation of
4 tribal labor relations ordinances adopted in accordance with those
5 compacts shall be expended in the selection of the Tribal Labor
6 Panel. The Department of Personnel Administration shall consult
7 with and seek input from the parties prior to any expenditure for
8 purposes of selecting the Tribal Labor Panel. Other than the cost
9 of selecting the Tribal Labor Panel, there shall be no further
10 disbursements until the Tribal Labor Panel, which is selected by
11 mutual agreement of the parties, is in place.
12 (f) Any other purpose specified by law.
13 (g) Priority for funding from the Indian Gaming Special
14 Distribution Fund is in the following descending order:
15 (1) An appropriation to the Indian Gaming Revenue Sharing
16 Trust Fund in an aggregate amount sufficient to make payments
17 of any shortfalls that may occur in the Indian Gaming Revenue
18 Sharing Trust Fund.
19 (2) An appropriation to the Office of Problem and Pathological
20 Gambling within the State Department of Alcohol and Drug
21 Programs for problem gambling prevention programs.
22 (3) The amount appropriated in the annual Budget Act for
23 allocation between the Division of Gambling Control and the
24 California Gambling Control Commission for regulatory functions
25 that directly relates to Indian gaming.
26 (4) An appropriation for the support of local government
27 agencies impacted by tribal gaming.